

1 AN ACT in relation to property.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Department of Central Management Services
5 Law of the Civil Administrative Code of Illinois is amended
6 by changing Section 405-305 as follows:

7 (20 ILCS 405/405-305) (was 20 ILCS 405/67.06)

8 Sec. 405-305. Lease of unused or unproductive State
9 land. To lease, at the fair market rental value rate, the
10 unused or unproductive land under the jurisdiction of any of
11 the several departments on terms and conditions that in the
12 judgement of the Director are in the best interests of the
13 State. The Department may lease the property at a rate less
14 than 60% of the fair market rental value rate only if (i) the
15 Director certifies in writing the reasons for leasing the
16 property at that rate and (ii) the rate constitutes fair and
17 adequate compensation. The Director may not lease property
18 for nominal consideration that is tantamount to a gift.

19 No appraisal is required if during its initial survey of
20 the property the Department determines the property has an
21 annual fair market rental value of less than \$10 per square
22 foot. If the annual fair market rental value of the property
23 is determined by the Department in its initial survey to be
24 \$10 per square foot or more, then the Department shall obtain
25 an appraisal. The appraisal shall represent the fair market
26 rental value of the property.

27 Any responsible officer, person, or employee of the State
28 government who knowingly violates this Section is guilty of a
29 Class B misdemeanor. A second or subsequent violation of this
30 Section by that officer, person, or employee is a Class A
31 misdemeanor.

1 (Source: P.A. 91-239, eff. 1-1-00.)

2 Section 10. The State Property Control Act is amended by
3 changing Sections 1.01, 7.1, and 9 as follows:

4 (30 ILCS 605/1.01) (from Ch. 127, par. 133b2)

5 Sec. 1.01. "Responsible officer" means and includes all
6 elective State officers; directors of the executive code
7 departments; presidents of State universities and colleges;
8 chairmen of executive boards, bureaus, and commissions; and
9 all other officers in charge of the property of the State of
10 Illinois, including subordinates of responsible officers
11 deputized by them to carry out some or all of their duties
12 under this Act.

13 (Source: P.A. 82-1047.)

14 (30 ILCS 605/7.1) (from Ch. 127, par. 133b10.1)

15 Sec. 7.1. (a) Except as otherwise provided by law, all
16 surplus real property held by the State of Illinois shall be
17 disposed of by the administrator as provided in this Section.
18 "Surplus real property," as used in this Section, means any
19 real property to which the State holds fee simple title or
20 lesser interest, and is vacant, unoccupied or unused and
21 which has no foreseeable use by the owning agency.

22 (b) All responsible officers shall submit an Annual Real
23 Property Utilization Report to the Administrator, or annual
24 update of such report, on forms required by the
25 Administrator, by October 30 of each year. The Administrator
26 may require such documentation as he deems reasonably
27 necessary in connection with this Report, and shall require
28 that such Report include the following information:

29 (1) A legal description of all real property owned by
30 the State under the control of the responsible officer.

31 (2) A description of the use of the real property listed

1 under (1).

2 (3) A list of any improvements made to such real
3 property during the previous year.

4 (4) The dates on which the State first acquired its
5 interest in such real property, and the purchase price and
6 source of the funds used to acquire the property.

7 (5) Plans for the future use of currently unused real
8 property.

9 (6) A declaration of any surplus real property. On or
10 before December 31 of each year the Administrator shall
11 furnish copies of each responsible officer's report along
12 with a list of surplus property indexed by legislative
13 district to the General Assembly.

14 This report shall be filed with the Speaker, the Minority
15 Leader and the Clerk of the House of Representatives and the
16 President, the Minority Leader and the Secretary of the
17 Senate and shall be duplicated and made available to the
18 members of the General Assembly for evaluation by such
19 members for possible liquidation of unused public property at
20 public sale.

21 (c) Following receipt of the Annual Real Property
22 Utilization Report required under paragraph (b), the
23 Administrator shall notify all State agencies by December 31
24 of all declared surplus real property. Any State agency may
25 submit a written request to the Administrator, within 60 days
26 of the date of such notification, to have control of surplus
27 real property transferred to that agency. Such request must
28 indicate the reason for the transfer and the intended use to
29 be made of such surplus real property. The Administrator may
30 not deny any request ~~or all such requests~~ by a State agency
31 unless ~~or agencies if the Administrator determines that it is~~
32 ~~more advantageous to the State to dispose of the surplus real~~
33 ~~property--under paragraph (d).--~~In ease requests for the same
34 surplus real property are received from more than one State

1 agency, in which case the Administrator shall weigh the
2 benefits to the State and determine to which agency, ~~if any,~~
3 to transfer control of such property. The Administrator
4 shall coordinate the use and disposal of State surplus real
5 property with any State space utilization program.

6 (d) Any surplus real property which is not transferred
7 to the control of another State agency under paragraph (c)
8 shall be disposed of by the Administrator. No appraisal is
9 required if during his initial survey of surplus real
10 property the Administrator determines such property has a
11 fair market value of less than \$5,000. If the value of such
12 property is determined by the Administrator in his initial
13 survey to be \$5,000 or more, then the Administrator shall
14 obtain 3 appraisals of such real property, one of which shall
15 be performed by an appraiser residing in the county in which
16 said surplus real property is located. The average of these 3
17 appraisals, plus the costs of obtaining the appraisals, shall
18 represent the fair market value of the surplus real property.
19 No surplus real property may be conveyed by the Administrator
20 for less than the fair market value. Prior to offering the
21 surplus real property for sale to the public the
22 Administrator shall give notice in writing of the existence
23 and fair market value of the surplus real property to the
24 governing bodies of the county and of all cities, villages
25 and incorporated towns in the county in which such real
26 property is located. Any such governing body may exercise
27 its option to acquire the surplus real property for the fair
28 market value within 60 days of the notice. After the 60 day
29 period has passed, the Administrator may sell the surplus
30 real property by public auction following notice of such sale
31 by publication on 3 separate days not less than 15 nor more
32 than 30 days prior to the sale in the State newspaper and in
33 a newspaper having general circulation in the county in which
34 the surplus real property is located. The Administrator

1 shall post "For Sale" signs of a conspicuous nature on such
2 surplus real property offered for sale to the public. If no
3 acceptable offers for the surplus real property are received,
4 the Administrator may have new appraisals of such property
5 made. The Administrator shall have all power necessary to
6 convey surplus real property under this Section. All moneys
7 received for the sale of surplus real property shall be
8 deposited in the General Revenue Fund, except where moneys
9 expended for the acquisition of such real property were from
10 a special fund which is still a special fund in the State
11 treasury, this special fund shall be reimbursed in the amount
12 of the original expenditure and any amount in excess thereof
13 shall be deposited in the General Revenue Fund.

14 The Administrator shall have authority to order such
15 surveys, abstracts of title, or commitments for title
16 insurance as may, in his reasonable discretion, be deemed
17 necessary to demonstrate to prospective purchasers or bidders
18 good and marketable title in any property offered for sale
19 pursuant to this Section. Unless otherwise specifically
20 authorized by the General Assembly, all conveyances of
21 property made by the Administrator shall be by quit claim
22 deed.

23 (e) The Administrator shall submit an annual report on
24 or before February 1 to the Governor and the General Assembly
25 containing a detailed statement of surplus real property
26 either transferred or conveyed under this Section.

27 (Source: P.A. 85-315.)

28 (30 ILCS 605/9) (from Ch. 127, par. 133b12)

29 Sec. 9. Any responsible officer, person, or employee of
30 the State government who knowingly violates any of the
31 provisions, rules, regulations, directions and orders as set
32 forth in this Act shall be guilty of a Class B misdemeanor. A
33 second or subsequent violation by that officer, person, or

1 employee is a Class A misdemeanor.

2 (Source: P.A. 77-2598.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.